

FREEDOM COURT R

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<p>1 IN THE UNITED STATES DISTRICT COURT FOR 2 THE NORTHERN DISTRICT OF ALABAMA 3 MIDDLE DIVISION 4 5 CASE NUMBER: CV2:06-CV-496-MEF 6 7 U.S. BEVERAGE, INC., 8 Plaintiff, 9 vs. 10 11 JOHN BUSTER WALKER, II; et al., 12 Defendants. 13 14 S T I P U L A T I O N 15 IT IS STIPULATED AND AGREED by 16 and between the parties through their 17 respective counsel, that the deposition 18 of RYAN HAMNER may be taken before 19 Leslie K. Hartsfield, at the offices of 20 Raymond L. Jackson, Jr., 600 N. College 21 Street, Suite D, Auburn, Alabama, 36830, 22 DEPOSITION OF RYAN HAMNER 23 taken on the 16th day of November, 2006.</p>	<p>1 INDEX 2 EXAMINATION BY: PAGE NUMBER: 3 Mr. Gill 6 4 5 6 7 8 PLAINTIFF'S EXHIBITS: 9 1 - Mailer 54 10 2 - Juice label 56 11 3 - Mailer 59 12 4 - Agreement 104 13 14 15 16 17 18 19 20 21 22 23</p>
Page 2	Page 4
<p>1 IT IS FURTHER STIPULATED AND 2 AGREED that the signature to and the 3 reading of the deposition by the witness 4 is waived, the deposition to have the 5 same force and effect as if full 6 compliance had been had with all laws 7 and rules of Court relating to the 8 taking of the deposition. 9 IT IS FURTHER STIPULATED AND 10 AGREED that it shall not be necessary 11 for any objections to be made by counsel 12 to any questions except as to the form 13 or leading questions, and that counsel 14 for the parties may make objections and 15 assign grounds at the time of the trial, 16 or at the time said deposition is 17 offered in evidence, or prior thereto. 18 IT IS FURTHER STIPULATED AND 19 AGREED that the notice of filing of the 20 deposition by the Commissioner is 21 waived. 22 23</p>	<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ALABAMA 3 MIDDLE DIVISION 4 5 CASE NUMBER: CV2:06-CV-496-MEF 6 7 U.S. BEVERAGE, INC., 8 Plaintiff, 9 vs. 10 11 JOHN BUSTER WALKER, II; et al., 12 Defendants. 13 14 BEFORE: 15 LESLIE K. HARTSFIELD, 16 Commissioner. 17 18 APPEARANCES: 19 RAYMOND L. JACKSON, JR., ATTORNEY 20 & COUNSELOR AT LAW, P.C., 660 N. College 21 Street, Suite D, Auburn, Alabama, 36830, 22 appearing on behalf of the Defendants. 23 COPELAND, FRANCO, SCREWS & GILL,</p>

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<p style="text-align: right;">Page 5</p> <p>1 P.A., by Mr. Nelson Gill, 444 S. Perry 2 Street, Montgomery, Alabama, 36104, 3 appearing on behalf of the Plaintiff. 4 5 ALSO PRESENT: 6 John Walker, II 7 8 ***** 9 10 I, LESLIE K. HARTSFIELD, a Court 11 Reporter of Prattville, Alabama, acting 12 as Commissioner, certify that on this 13 date, as provided by the Federal Rules 14 of Civil Procedure and the foregoing 15 stipulation of counsel, there came 16 before me at the offices of Raymond L. 17 Jackson, Jr., 600 N. College Street, 18 Suite D, Auburn, Alabama, 36830, 19 beginning at 3:40 p.m., RYAN HAMNER, 20 witness in the above cause, for oral 21 examination, whereupon, the following 22 proceedings were had: 23</p>	<p style="text-align: right;">Page 7</p> <p>1 stay here. But if you don't understand 2 my question, please let me know because 3 otherwise I'm going to assume you do 4 understand it. 5 A. Okay. 6 Q. And if you want to take a 7 break, that's fine with me. I'm not 8 here to put you through a marathon or 9 anything. I just want to ask you a few 10 questions and hopefully we'll get 11 through with this real quick, all right. 12 One other thing, if you haven't given a 13 deposition, you have to speak up because 14 the court reporter although I can see 15 you and she can see you, the record 16 won't reflect it. You have to say yes 17 or no. You have to actually verbally 18 answer my questions, does that make any 19 sense? 20 A. Okay. Yeah. 21 Q. Can you state your full name 22 for the record, please? 23 A. David Ryan Hamner.</p>
<p style="text-align: right;">Page 6</p> <p>1 RYAN HAMNER 2 being first, duly sworn, was examined 3 and testified as follows: 4 5 THE REPORTER: Usual 6 stipulations? 7 MR. GILL: Yes. 8 MR. JACKSON: Yes. 9 10 EXAMINATION BY MR. GILL: 11 Q. Ryan, I know we just met, 12 but my name is Nelson Gill. And let me 13 first ask you have you taken a 14 deposition -- have you had your 15 deposition taken before? 16 A. No. 17 Q. I'm going to give you just a 18 general outline of what we're going to 19 do. I'm going to ask you a few 20 questions, series of questions today. 21 And I'm going to try to keep this real 22 short because I know it's late in the 23 afternoon and everybody doesn't want to</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Can you tell me your current 2 address? 3 A. 1612 39th Street, Columbus, 4 Georgia, 31904. 5 Q. How long have you lived 6 there? 7 A. Going on two years. 8 Q. Have you lived in the 9 Columbus area for a while now? 10 A. Yeah, my life, whole life. 11 Q. Your whole life? 12 A. Yes. 13 Q. Never lived anywhere else? 14 A. (Shook head negatively.) 15 THE REPORTER: Answer. 16 A. Yes. No. No. I'm sorry. 17 Never lived anywhere else. 18 19 (A discussion was held off the 20 record.) 21 22 Q. (By Mr. Gill) How old are 23 you?</p>

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<p style="text-align: right;">Page 29</p> <p>1 Q. Does Mr. Walker claim he was 2 responsible for that growth? 3 A. I don't think we made it to 4 that kind of detail. I mean, he would 5 ask me about my business when I'd see 6 him at the gym, and you know, I'd ask 7 him about his so. 8 Q. At some point in late 2003, 9 did you and Mr. Walker start talking 10 about the possibility of you having a 11 job at U.S. Beverage? 12 A. Of me having a job at U.S. 13 Beverage? 14 Q. Uh-huh (affirmative 15 response). 16 A. No. 17 Q. He never spoke to you about 18 that? 19 A. No. I was never going to 20 have a job at U.S. Beverage. 21 Q. You never wanted a job at 22 U.S. Beverage? 23 A. Never wanted a job at U.S.</p>	<p style="text-align: right;">Page 31</p> <p>1 best of your recollection. 2 A. Okay. John and I talked 3 about he knew that I was doing the 4 online thing and we wanted to start a 5 day-care business selling juice to day 6 cares. And he knew that I did a lot of 7 online marketing so I started 8 brainstorming names. This is in short. 9 Called John, I said, hey, what do you 10 think about Juice Alive, the name. He 11 liked -- 12 Q. Go ahead. Sorry. Excuse 13 me. 14 A. He liked the name so I went 15 with my personal credit card, I bought 16 the main names, developed our logo. I 17 even built the website probably within a 18 week. 19 Q. Let's try to -- I think 20 we're kind of -- maybe we jumped ahead a 21 little or kind of grouped a bunch of 22 things together. Let's go back to the 23 first thing you said about you and John</p>
<p style="text-align: right;">Page 30</p> <p>1 Beverage. Now, later I was going to do 2 a website for U.S. Beverage but I was 3 never going to be employed by U.S. 4 Beverage or wanted to be employed by 5 U.S. Beverage. 6 Q. You had no interest in 7 having full-time employment where you 8 might get full-time benefits at U.S. 9 Beverage? 10 A. No. 11 Q. No interest at all? 12 A. (Shook head negatively.) 13 Q. So you did not meet with 14 U.S. Beverage for the purpose of getting 15 a job at U.S. Beverage? 16 A. No. 17 Q. At no time? 18 A. I met with U.S. Beverage 19 about I guess our marketing plan, 20 building the website, seeing their 21 facility. 22 Q. Let's talk about that. 23 Explain to me when did this occur to the</p>	<p style="text-align: right;">Page 32</p> <p>1 getting together to sell juice to day 2 cares. Do you remember telling me 3 that? 4 A. Uh-huh (affirmative 5 response). 6 Q. When was that? 7 A. I saw him at the gym and I 8 don't know -- don't know -- have a month 9 or a day or anything like that. But I 10 just remember we were talking. 11 Q. Did John approach you about 12 this? 13 A. I -- I don't remember the 14 details of it. I just remember that we 15 were talking like we always did if I saw 16 him in the gym. 17 Q. Would you have approached 18 him about a juice business at this 19 time? 20 A. Well, with my -- doing the 21 marketing stuff if I could make money 22 doing it, probably. 23 Q. Probably, but do you have</p>

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<p style="text-align: right;">Page 49</p> <p>1 A. Because we were starting the</p> <p>2 Juice Alive business.</p> <p>3 Q. Because you were starting</p> <p>4 the business?</p> <p>5 A. Yeah.</p> <p>6 Q. Did John tell you to come up</p> <p>7 with a name --</p> <p>8 A. No.</p> <p>9 Q. -- and a logo?</p> <p>10 A. No. Actually, when we left</p> <p>11 the gym, I said, well, from -- our next</p> <p>12 step should be to try to come up with a</p> <p>13 name so be brainstorming on that.</p> <p>14 Q. Did he agree with that?</p> <p>15 A. To brainstorm on a name?</p> <p>16 Q. Uh-huh (affirmative</p> <p>17 response).</p> <p>18 A. Yeah. I went home and, you</p> <p>19 know, that was my, I wouldn't say</p> <p>20 specialty, but that's what I like to do</p> <p>21 is come up with names and do graphic</p> <p>22 design. So I went through a bunch of</p> <p>23 names and started messing with the logo</p>	<p style="text-align: right;">Page 51</p> <p>1 of what he said was, I mean, did you</p> <p>2 understand him to mean let's go forward</p> <p>3 with our business to sell juice?</p> <p>4 A. Yes.</p> <p>5 Q. Did John ever tell you</p> <p>6 that -- excuse me. Mr. Walker ever tell</p> <p>7 you that he was an officer and a</p> <p>8 shareholder of U.S. Beverage and he</p> <p>9 probably shouldn't be doing this?</p> <p>10 MR. JACKSON: Object to</p> <p>11 form. Go ahead.</p> <p>12 A. No.</p> <p>13 Q. Did he ever mention his</p> <p>14 position at U.S. Beverage?</p> <p>15 A. Probably, but you know.</p> <p>16 Q. Do you have any memory of</p> <p>17 that?</p> <p>18 A. I guess I just remember it</p> <p>19 not being an issue because it was</p> <p>20 just -- there'd been so much talk with</p> <p>21 everybody about how it was going to</p> <p>22 work, and we were going to market their</p> <p>23 newsletter -- not their newsletter, but</p>
<p style="text-align: right;">Page 50</p> <p>1 and colors and I called John and I was</p> <p>2 excited about the name Juice Alive. And</p> <p>3 he asked his wife about it I believe and</p> <p>4 said let's do it, blah, blah, blah. And</p> <p>5 so I don't know if it was that day or</p> <p>6 was -- it was really soon. I know that</p> <p>7 I registered the Juice Alive. I think</p> <p>8 it was dot net at that time. And then I</p> <p>9 created the logo, the website.</p> <p>10 Q. You just said you called up</p> <p>11 John and your words were he said let's</p> <p>12 do it?</p> <p>13 A. Not --</p> <p>14 Q. I mean, okay. Was that not</p> <p>15 literal?</p> <p>16 A. Not literal. I'll just say</p> <p>17 this: When I called up John, he liked</p> <p>18 the name Juice Alive. He agreed it was</p> <p>19 a good name. So that's when I said all</p> <p>20 right and I went forward with it, which</p> <p>21 when I say forward, I mean finishing the</p> <p>22 logo, registering the main name.</p> <p>23 Q. Whatever the actual language</p>	<p style="text-align: right;">Page 52</p> <p>1 their letter, their mailers, stuff like</p> <p>2 that. So it was just -- plus, I was --</p> <p>3 I don't know how this plays in but I</p> <p>4 spent a lot of my money too coming up --</p> <p>5 getting into this company, help start</p> <p>6 this company.</p> <p>7 Q. When you say they, are you</p> <p>8 saying U.S. Beverage?</p> <p>9 A. I'm saying U.S. Beverage,</p> <p>10 me, John, we all had an understanding of</p> <p>11 how it was going to work.</p> <p>12 Q. What was that understanding</p> <p>13 in your mind?</p> <p>14 A. In my mind, they were going</p> <p>15 to use -- we were going to market the</p> <p>16 juice for them. That's where the</p> <p>17 website came into play. Eventually they</p> <p>18 wanted me to build a website for them.</p> <p>19 We were going to market the juice and</p> <p>20 juice that came from whatever specific</p> <p>21 states that we had in this document they</p> <p>22 would be U.S. Beverage's clients. And</p> <p>23 the others, whatever states we had</p>

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<p style="text-align: right;">Page 53</p> <p>1 specified would be ours. And then I</p> <p>2 remember we had some kind of deal</p> <p>3 with -- setup with -- I don't know how</p> <p>4 this worked, but for every case they</p> <p>5 sold or every bottle they sold with our</p> <p>6 label on it we made -- they paid us so</p> <p>7 much or something like that.</p> <p>8 Q. Was that at some point</p> <p>9 later?</p> <p>10 A. No. This was -- this was</p> <p>11 before we -- this was going into the two</p> <p>12 mailers as I recall.</p> <p>13 Q. So you're saying you charged</p> <p>14 them a fee at the beginning for --</p> <p>15 A. We charged them a fee?</p> <p>16 Q. Uh-huh (affirmative</p> <p>17 response). Or did you not charge them a</p> <p>18 fee?</p> <p>19 A. No. No. I developed their</p> <p>20 mailers and I think they paid for their</p> <p>21 postage or however that went. I don't</p> <p>22 know. No, I did not charge them a fee</p> <p>23 for their mailer.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. We've been talking about a</p> <p>2 mailer. Does this look like the mailer</p> <p>3 that you were talking about?</p> <p>4 A. Yeah. I probably had a</p> <p>5 couple mock-ups that I did.</p> <p>6 Q. Does this look like the one</p> <p>7 you sent out?</p> <p>8 A. This is definitely one of</p> <p>9 the mock-ups. If it's the exact one I</p> <p>10 sent out, I don't -- yeah, it looks like</p> <p>11 it. Just roughly it looks like it. On</p> <p>12 the back of theirs, they had something</p> <p>13 different so I know that.</p> <p>14 Q. The actual card exists</p> <p>15 somewhere, but I don't have it with me.</p> <p>16 But we'll move on from there. Will</p> <p>17 you -- do you agree with me that the</p> <p>18 card says U.S. Beverage presents Juice</p> <p>19 Alive?</p> <p>20 A. Yeah, I see that.</p> <p>21 Q. Will you look at the top and</p> <p>22 tell me what the date is.</p> <p>23 A. 9/27/04.</p>
<p style="text-align: right;">Page 54</p> <p>1 Q. So you were essentially</p> <p>2 doing this for them --</p> <p>3 MR. JACKSON: Object to</p> <p>4 form. Go ahead.</p> <p>5 Q. -- the mailer?</p> <p>6 A. Doing this for them?</p> <p>7 Q. The mailer.</p> <p>8 A. I don't know if it was part</p> <p>9 of some, you know, there's more to the</p> <p>10 agreement, but yeah, I did them a</p> <p>11 mailer.</p> <p>12 Q. With Juice Alive on it?</p> <p>13 A. Yes.</p> <p>14 Q. Well, I think this may have</p> <p>15 been marked in another deposition but</p> <p>16 I'm not as organized as you, Raymond.</p> <p>17 I'm just going to mark this as</p> <p>18 Plaintiff's 1 for the deposition of Ryan</p> <p>19 Hamner.</p> <p>20</p> <p>21 (Plaintiff's Exhibit No. 1 was</p> <p>22 marked for identification.)</p> <p>23</p>	<p style="text-align: right;">Page 56</p> <p>1 Q. When do you think that you</p> <p>2 started a trademark application for</p> <p>3 Juice Alive?</p> <p>4 A. I didn't handle any of that</p> <p>5 so.</p> <p>6 Q. Who handled it?</p> <p>7 A. That was -- that was John.</p> <p>8 Q. John handled all of it?</p> <p>9 A. John handled all of it. I</p> <p>10 did the graphic design. I did the</p> <p>11 websites. I did, you know, some other</p> <p>12 things but that wasn't me.</p> <p>13 Q. I'm going to mark this as</p> <p>14 Plaintiff's 2.</p> <p>15</p> <p>16 (Plaintiff's Exhibit No. 2 was</p> <p>17 marked for identification.)</p> <p>18</p> <p>19 Q. Does Plaintiff's 2 look</p> <p>20 familiar to you?</p> <p>21 A. Yeah.</p> <p>22 Q. Is that a drawing that you</p> <p>23 did for the trademark application?</p>

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<p style="text-align: right;">Page 61</p> <p>1 with --</p> <p>2 A. Yeah.</p> <p>3 Q. -- 132 on the front and 133</p> <p>4 on the back?</p> <p>5 A. Like this right here</p> <p>6 (indicated).</p> <p>7 Q. Do you agree with me --</p> <p>8 A. Yes.</p> <p>9 Q. -- that that's probably the</p> <p>10 way it was?</p> <p>11 A. Yes.</p> <p>12 Q. So would you think that</p> <p>13 9/27/04 was the first time that a mailer</p> <p>14 went out?</p> <p>15 A. No.</p> <p>16 Q. You would think it was</p> <p>17 before that?</p> <p>18 A. (Nodded head affirmatively.)</p> <p>19 Q. How long before that? I</p> <p>20 apologize. I start talking -- let's</p> <p>21 take one minute. Actually, there's a</p> <p>22 question pending. Let me finish. When</p> <p>23 do you believe a mailer was first sent</p>	<p style="text-align: right;">Page 63</p> <p>1 A. That I was pretty sure?</p> <p>2 Q. Yeah.</p> <p>3 A. I just -- I can't recall. I</p> <p>4 just -- it seems like there was</p> <p>5 something. Here's the thing, I did so</p> <p>6 many proofs of mailers, you know, I</p> <p>7 mean, what you see here is just one.</p> <p>8 But I worked so many different ones, I</p> <p>9 mean, I don't -- my brain is just</p> <p>10 jogged. I mean, I can't --</p> <p>11 Q. Well, would any prior mailer</p> <p>12 had been for U.S. Beverage?</p> <p>13 A. No, definitely not.</p> <p>14 Q. Who would it have been</p> <p>15 for?</p> <p>16 A. Trident Marketing.</p> <p>17 Q. So just for the company</p> <p>18 itself, for Trident?</p> <p>19 A. (Nodded head affirmatively.)</p> <p>20 Q. And who would you have sent</p> <p>21 it to?</p> <p>22 A. Day cares.</p> <p>23 Q. Where?</p>
<p style="text-align: right;">Page 62</p> <p>1 out if this was not the first one?</p> <p>2 A. I have no idea. I just</p> <p>3 really --</p> <p>4 Q. You just generally believe</p> <p>5 there was another one prior to 9/27?</p> <p>6 A. I pretty much know. It</p> <p>7 seems like we did a mailer earlier just</p> <p>8 us because I remember some money coming</p> <p>9 off my credit card and then I don't</p> <p>10 remember why we did a second one. But I</p> <p>11 remember we did a second one and this is</p> <p>12 the one where we did one and then U.S.</p> <p>13 Beverage did one.</p> <p>14 MR. GILL: Let's stop for</p> <p>15 one minute.</p> <p>16</p> <p>17 (A brief recess was taken.)</p> <p>18</p> <p>19 Q. (By Mr. Gill) We were just</p> <p>20 talking about your opinion that you were</p> <p>21 pretty sure that another mailer had been</p> <p>22 put out before this 9/27/04 U.S.</p> <p>23 Beverage mailer.</p>	<p style="text-align: right;">Page 64</p> <p>1 A. I have no idea. I didn't --</p> <p>2 I didn't handle buying the mailing list.</p> <p>3 I, of course, paid for it, for half of</p> <p>4 it.</p> <p>5 Q. So John handled --</p> <p>6 Mr. Walker handled the mailing list?</p> <p>7 A. Yeah.</p> <p>8 Q. Do you know where he'd</p> <p>9 gotten the mailing list from?</p> <p>10 A. Seems like it was -- I don't</p> <p>11 know. They're pretty well known. U.S.</p> <p>12 something. I can't remember the name.</p> <p>13 It's just pretty general. You could go</p> <p>14 pick a topic, or you know, demographics,</p> <p>15 select your list.</p> <p>16 Q. Would some of it have been</p> <p>17 from his work at U.S. Beverage?</p> <p>18 A. I don't think so. No.</p> <p>19 Would some of the customers?</p> <p>20 Q. Uh-huh (affirmative</p> <p>21 response).</p> <p>22 A. No. No.</p> <p>23 Q. How do you know that?</p>

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<p style="text-align: right;">Page 93</p> <p>1 what's your distinction, what does 2 slushy mean to up? 3 A. Well, I mean, slushy was -- 4 it would be -- the slushy would be in 5 bars or to be in convenience stores. 6 Juice Alive, we weren't going to market 7 it to bars or convenience stores. It's 8 strictly for little kids. That's why we 9 had kids on the website. Our phrase 10 was, What are your kids drinking, that's 11 what was on the mailer. It was day-care 12 juice. 13 Q. But slush is juice, is it 14 not? It's juice. Maybe it's in a 15 different form in terms of maybe it's 16 frozen, maybe it's not, but it's still 17 juice, isn't it? 18 A. Yeah. I mean, it's just 19 different markets. 20 Q. But it's still juice that 21 would have come from Supreme 22 Manufacturing; right? 23 A. Yeah.</p>	<p style="text-align: right;">Page 95</p> <p>1 to start with, then you registered dot 2 com after that. 3 A. So yeah there was a dot net 4 so it'll give you two different dates 5 for -- because they're registered 6 individually. 7 MR. GILL: I'll review the 8 documents, but if I have further 9 request, I -- 10 MR. JACKSON: Let me know if 11 you don't have it. 12 MR. GILL: I will. 13 You told me earlier that 14 John did everything with the trademark; 15 is that right? 16 A. Yeah. The paperwork, 17 sending it off, stuff like that. 18 Q. (By Mr. Gill) Whose idea 19 was it to trademark it? 20 A. I had asked him about things 21 like that, but I didn't know much about 22 them. But it was kind of both of 23 ours.</p>
<p style="text-align: right;">Page 94</p> <p>1 Q. This website that you 2 started, would there be some record of 3 you starting it, I mean, in terms a 4 payment or a record of when it first 5 existed? 6 A. Juice Alive dot net, you 7 should have that in our history. I 8 might actually have an e-mail receipt. 9 I sent all the receipts to John so John 10 would probably have that. Yeah, that 11 was way back there, so yeah there would 12 be a record of that. 13 MR. JACKSON: I think we 14 produced to you the main name 15 registration, would have a date when it 16 was registered. I don't want to go back 17 through what we produced to -- 18 MR. GILL: I apologize. I 19 don't have everything. 20 A. The tricky thing is the 21 original name was -- was that always in 22 our name, Juice Alive dot com? 23 MR. WALKER: It was dot net</p>	<p style="text-align: right;">Page 96</p> <p>1 Q. Did you have any discussions 2 with U.S. Beverage about anything 3 regarding the trademark, you 4 personally? 5 A. I don't think I personally 6 did, no. 7 Q. Do you think John did, 8 Mr. Walker? 9 A. Yes. 10 Q. What do you think that 11 was? 12 A. What do I think that was? 13 Q. Uh-huh (affirmative 14 response). Sorry. 15 A. I think that in -- like I 16 said, this goes back to the document or 17 documents where we just kind of laid it 18 out that Juice Alive was going to be 19 owned by Trident Marketing and they were 20 basically going to pay us per case or 21 per bottle, whatever, of every juice 22 bottle that they sold that had the Juice 23 Alive label on it.</p>

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<p style="text-align: right;">Page 109</p> <p>1 welcomed to read any other portion of</p> <p>2 that you want to, but I mean, do you</p> <p>3 think U.S. Beverage was not doing that</p> <p>4 at this time, doing day-care industry at</p> <p>5 that time frame?</p> <p>6 MR. JACKSON: Object to</p> <p>7 form.</p> <p>8 A. No, I don't think they were</p> <p>9 because they were looking to me to</p> <p>10 create their website. They were looking</p> <p>11 to Trident Marketing to do -- send out</p> <p>12 their mailer. They're looking to us to</p> <p>13 use our Juice Alive logo, label.</p> <p>14 Q. Is that your name on the</p> <p>15 bottom of Plaintiff's Exhibit 4?</p> <p>16 A. Yeah. I didn't -- I didn't</p> <p>17 put my name there.</p> <p>18 Q. Who put your name there?</p> <p>19 A. John Walker, I guess.</p> <p>20 Q. Do you not think -- I mean,</p> <p>21 I don't know --</p> <p>22 A. I know I wouldn't have paid</p> <p>23 my money to create this logo and gone</p>	<p style="text-align: right;">Page 111</p> <p>1 him with this trademark; correct?</p> <p>2 MR. JACKSON: Object to</p> <p>3 form.</p> <p>4 A. Got me to help --</p> <p>5 Q. Uh-huh (affirmative</p> <p>6 response).</p> <p>7 A. -- you mean with creating</p> <p>8 this?</p> <p>9 Q. Yeah.</p> <p>10 A. Yeah, I created the Juice</p> <p>11 Alive logo.</p> <p>12 Q. With John Walker?</p> <p>13 A. With John Walker. I mean, I</p> <p>14 did the whole -- he -- he -- I came up</p> <p>15 with the name and did this all on my</p> <p>16 computer. I designed it.</p> <p>17 Q. I understand that you might</p> <p>18 have physically done it.</p> <p>19 A. Okay. Yeah.</p> <p>20 Q. But with John Walker?</p> <p>21 A. With John Walker.</p> <p>22 MR. JACKSON: Object to</p> <p>23 form. Go ahead.</p>
<p style="text-align: right;">Page 110</p> <p>1 through all this stuff without getting</p> <p>2 some kind of reimbursement from U.S.</p> <p>3 Beverage if it was their label.</p> <p>4 Q. John didn't tell you</p> <p>5 anything about what he was doing at U.S.</p> <p>6 Beverage, did he?</p> <p>7 MR. JACKSON: Object to the</p> <p>8 form.</p> <p>9 Q. You stated he didn't tell</p> <p>10 you anything but --</p> <p>11 A. I didn't say he did not tell</p> <p>12 me anything. I said through talking</p> <p>13 with John that I basically understood</p> <p>14 what he did.</p> <p>15 Q. Which you told me earlier</p> <p>16 was just nothing more than selling</p> <p>17 slushy is what you said to me earlier?</p> <p>18 A. Selling slush, slush</p> <p>19 machines.</p> <p>20 Q. Did he tell you anything</p> <p>21 further than that, did he?</p> <p>22 A. Not that I'm aware of, no.</p> <p>23 Q. But yet he got you to help</p>	<p style="text-align: right;">Page 112</p> <p>1 MR. GILL: You going to have</p> <p>2 a bunch of questions?</p> <p>3 MR. JACKSON: No.</p> <p>4 MR. GILL: I assume I've</p> <p>5 overlooked something, the late</p> <p>6 afternoon, but thank you for coming.</p> <p>7 That's it for right now. Mr. Jackson</p> <p>8 may have some questions.</p> <p>9 MR. JACKSON: I don't have</p> <p>10 any questions.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 FURTHER DEPONENT SAITH NOT</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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